

## Message Text

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ORIGIN EB-08

INFO OCT-01 AF-10 IO-13 ISO-00 FEA-01 AGRE-00 CEA-01  
CIAE-00 COME-00 DODE-00 FRB-03 H-01 INR-07 INT-05  
L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 SS-15  
STR-04 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01  
/098 R

DRAFTED BY EB/OT/GCP - ROBERT REIS  
APPROVED BY EB/OT/GCP - JSLATTERY  
STR - J GREENWALD  
TREASURY - J SCHOTT  
LABOR - H FIEKOWSKY  
AGRICULTURE - K REYNOLDS  
COMMERCE - R OLIVER  
AF/C - P KATES

-----008347 300037Z /62

R 291809Z JUL 77  
FM SECSTATE WASHDC  
TO AMEMBASSY KINSHASA  
INFO USMISSION GENEVA

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MTN GENEVA

E.O. 11652: N/A

TAGS: ETRD, MTN, GATT

SUBJECT: ZAIRE'S PROTEST OF US EXPORT RESTRICTION  
NOTIFICATION

REF: A) KINSHASA 6713 B) MTN GENEVA 3140

1. THE DEPARTMENT RECOMMENDS THAT THE EMBASSY EXPLAIN  
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ONCE AGAIN TO ZAIRIAN OFFICIALS THAT THE US NOTIFICATION  
TO GATT OF THE ZAIRIAN EXPORT TAX ON COPPER WAS JUST THAT,  
A NOTIFICATION, AND NOT A COMPLAINT OR A REQUEST FOR  
CONCESSIONS. THE NOTIFICATION WAS ONE OF 92 NOTIFICA-  
TIONS AFFECTING 50 COUNTRIES WHICH WERE MADE IN ORDER TO  
PROVIDE A BANK OF INFORMATION ON WHICH TO DRAW IN  
DISCUSSIONS OF SUPPLY ACCESS IN THE MTN FRAMEWORK GROUP.

WE RECOGNIZE THAT THE ZAIRIAN EXPORT TAX ON COPPER IS INTENDED TO PROVIDE REVENUE AND NOT TO RESTRICT TRADE, BUT WE WISH TO DISCUSS IN GATT THE GENERAL PROBLEM OF EXPORT TAXES RESTRICTING TRADE. THE UNITED STATES DOES NOT NOW CONSIDER THE EXISTENCE OF THE ZAIRIAN EXPORT TAX TO BE A PROBLEM TO BE SETTLED BILATERALLY OUTSIDE OF GATT AS THE ZAIRIANS SUGGEST. ACCORDINGLY WE DO NOT PLAN TO WITHDRAW THE NOTIFICATION.

2. THE EXPORT TAX IS MERELY ONE OF A NUMBER OF EXPORT RESTRICTIONS WHICH HAVE BEEN LARGELY IGNORED IN MULTI-

LATERAL DISCUSSIONS OF THE INTERNATIONAL TRADING SYSTEM. WE BELIEVE THE PARTICIPANTS IN THE MTN FRAMEWORK GROUP SHOULD DISCUSS EXPORT RESTRICTIONS IN ACCORDANCE WITH THE TOKYO DECLARATION'S CALL FOR THE PROGRESSIVE DISMANTLING OF OBSTACLES TO TRADE AND THE IMPROVEMENT OF THE INTERNATIONAL FRAMEWORK FOR THE CONDUCT OF TRADE.

3. BELOW IS THE TEXT OF THE MEMO BY WHICH THE US DELEGATION TRANSMITTED THE NOTIFICATIONS TO THE GATT SECRETARIAT. THE MEMO EXPLAINS THE REASONS THE US SUBMITTED THE NOTIFICATIONS. THE EMBASSY MAY GIVE THE TEXT TO ZAIRIAN OFFICIALS TO DEMONSTRATE THAT THE UNITED STATES IS CONCERNED WITH THE BROAD SUBJECT OF EXPORT RESTRICTIONS AND IS NOT NOW SEEKING THE REMOVAL OF ZAIRE'S EXPORT TAX  
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ON COPPER.

BEGIN TEXT

IN VARIOUS INTERNATIONAL FORA, INCLUDING SEVERAL NEGOTIATING GROUPS AND SUBGROUPS OF THE MULTILATERAL TRADE NEGOTIATIONS, THE UNITED STATES GOVERNMENT HAS EXPRESSED ITS CONCERN ABOUT THE USE OF EXPORT RESTRICTIONS. THE UNITED STATES IS ALSO CONCERNED WITH THE FACT THAT WHILE IMPORT RESTRICTIONS HAVE GRADUALLY BEEN LIBERALIZED IN RECENT YEARS, LITTLE ATTENTION HAS BEEN GIVEN IN MULTILATERAL NEGOTIATIONS TO SOLUTIONS TO THE PROBLEMS CREATED BY THE USE OF EXPORT RESTRICTIONS. THESE CONCERNS ARE CONSISTENT WITH THE AIMS OF THE TOKYO DECLARATION, WHICH CALLS FOR THE PROGRESSIVE DISMANTLING OF OBSTACLES TO TRADE AND THE IMPROVEMENT OF THE INTERNATIONAL FRAMEWORK FOR THE CONDUCT OF WORLD TRADE.

IN ORDER TO ILLUSTRATE THE FACTUAL BASIS FOR THESE CONCERNS, WHICH WILL BE UNDER CONSIDERATION IN VARIOUS CONTEXTS OF THE MULTILATERAL TRADE NEGOTIATIONS, THE UNITED STATES IS HEREBY SUBMITTING TO THE INVENTORY

OF NON-TARIFF MEASURES (MTN/3B/L-5) SELECTED NOTIFICATIONS OF EXPORT RESTRICTIONS. IT IS THE INTENT OF THE UNITED STATES THAT THE NOTIFICATIONS BE CONSIDERED NOT ONLY WITH REGARD TO THE SPECIFIC MEASURES REPORTED BUT ALSO AS INDICATIVE OF CERTAIN BROADER PROBLEMS EXISTING IN THE INTERNATIONAL TRADE SYSTEM. IT IS RECOGNIZED THAT SOME OF THESE MEASURES MAY NOT BE IN FORCE AT THE PRESENT TIME ALTHOUGH ADMINISTRATIVE MECHANISMS TO REIMPOSE THESE RESTRAINTS MAY REMAIN OPERATIVE.

THE UNITED STATES IS SUBMITTING, AS ATTACHMENT I, A NOTIFICATION CONTAINING GENERAL COMMENTS REGARDING EXPORT CONTROL MEASURES, THEIR EFFECTS AND GATT

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RELEVANCE, TO BE INCLUDED AS A GENERAL COMMENT IN PART 4, (SECTION G) OF THE INVENTORY.

AS ATTACHMENT II, THE UNITED STATES IS NOTIFYING A SELECTED GROUP OF EXPORT RESTRICTIONS OF PRIMARY INTEREST TO THE UNITED STATES. THIS LISTING OF MEASURES CONTAINS FIVE CATEGORIES OF EXPORT RESTRAINTS, QUOTAS, EMBARGOES, DISCRETIONARY LICENSING, TAXES, AND RESTRICTIVE PRACTICES BY STATE TRADING ENTERPRISES. IN THE CASE OF SOME NOTIFICATIONS, NO PARAGRAPHS ON EFFECTS HAVE BEEN INCLUDED. FOR A DISCUSSION OF SUCH EFFECTS, REFERENCE SHOULD BE MADE TO NOTIFICATION CONTAINING GENERAL COMMENTS. DUE TO A LACK OF INFORMATION REGARDING MOTIVATIONS FOR EACH EXPORT CONTROL, NO ATTEMPT WAS MADE TO ASSIGN PARTICULAR ARTICLES OF THE GATT TO SPECIFIC MEASURES. A DISCUSSION OF GATT PROVISIONS REGARDING EXPORT RESTRICTIONS IS, HOWEVER, INCLUDED IN THE GENERAL COMMENT.

FOR THE MOST PART, THE RESTRICTIONS NOTIFIED ARE THOSE IMPOSED BY COUNTRIES THAT ARE PARTICIPANTS IN THE MTN AND THAT EITHER ARE SIGNIFICANT SUPPLIERS TO THE UNITED STATES OR ARE SIGNIFICANT PRODUCERS IN THE WORLD MARKET OF THE PRODUCTS IN WHICH THE UNITED STATES IS INTERESTED.

THESE NOTIFICATIONS NEITHER CONSTITUTE AN INCLUSIVE LIST OF ALL EXPORT RESTRAINTS, CURRENTLY OR FORMERLY IN EFFECT, NOT DO THEY INDICATE A LACK OF INTEREST BY THE UNITED STATES GOVERNMENT IN OTHER EXPORT RESTRICTIVE MEASURES NOT SPECIFICALLY NOTIFIED. THE UNITED STATES IS CONTINUING TO REVIEW EXPORT CONTROLS AND MAY MAKE FURTHER NOTIFICATIONS AT A LATER DATE.  
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## Message Attributes

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**Channel Indicators:** n/a  
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**Disposition Date:** 22 May 2009  
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**Drafter:** ROBERT REIS  
**Enclosure:** n/a  
**Executive Order:** N/A  
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**Reference:** 77 KINSHASA 6713, 77 MTN GENEVA 3140  
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**Subject:** ZAIRE'S PROTEST OF US EXPORT RESTRICTION NOTIFICATION  
**TAGS:** ETRD, CG, US, GATT, MTN  
**To:** KINSHASA  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009